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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/708,070	02/06/2004	Wai Lam Ng		5275

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WAI LAM NG
1 HOK CHEUNG STREET
UNIT 307, HARBOUR CENTRE, TOWER 1
HUNG HOM,
HONG KONG

EXAMINER

PICKETT, JOHN G

ART UNIT	PAPER NUMBER
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3728

DATE MAILED: 02/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/708,070

Applicant(s)

NG, WAI LAM

Examiner

Gregory Pickett

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 July 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. This Office Action acknowledges the applicant's amendment submitted 25 July 2005. Claims 1-13 are pending in the application.

In accordance with 37 CFR § 1.33(b)(2), the amendment submitted by William C. Fuess (Reg. # 30,054) has been duly entered and considered. Mr. Fuess is considered authorized to act in a *representative capacity*. However, since there is no newly executed power of attorney on record, Mr. Fuess cannot be considered an *attorney of record*. 37 CFR § 1.34(b).

A change in correspondence address may only be signed by an attorney or agent who is **not** of record, if an executed oath or declaration **has not** been filed in the application. MPEP § 405. In this case, an executed declaration was made of record on 6 February 2004. Therefore, since Mr. Fuess is not an *attorney of record*, he cannot effect a change of address for this case.

Mr. Fuess supplied a telephone number of (858) 453-3574. In an effort to clarify the correspondence address for the case, the examiner attempted, twice, to contact Mr. Fuess by telephone. However, both attempts revealed a fax line instead of a voice line.

Accordingly, the address of record for the case is the address of the first named applicant. 37 CFR § 1.33(c).

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Specification

3. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required:

Claim 5 uses the terminology, “always” in referring to the location of the video display and the video player within the first and second compartments. There is insufficient antecedent basis for this claim terminology in the specification.

Further, claim 5 uses the terminology, “monolithic” in describing the storage case when the connecting means is closed. There is insufficient antecedent basis for this claim terminology in the specification.

Claim Objections

4. The objection to claim 13 is withdrawn.

5. Claim 1 is objected to because of the following minor informalities: in the last line of the claim, “componet” appears to be a typographical error. Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

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6. Claims 5-9, 12, and 13 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 5, it is unclear as to what is meant by the use of the term “always” when referring to the location of the video display and the video player within the first and second compartments. The examiner questions whether the display and player are permanently affixed within the compartments or whether the claim refers to a specific state of assembly. Since claim 8 is directed to a non-permanent means for securing the player within the second compartment, the examiner presumes the claim to refer to a specific state of assembly in order to examine the claim on its merits.

Claims 6-9, 12, and 13 are dependent on claim 5 and are rejected for the above reasons.

Claim Rejections - 35 USC § 102

7. Claims 1, 5, 6, 8-11, and 13 are rejected under 35 U.S.C. 102(b) as being anticipated by Lee (US 6,283,299; provided by applicant).

Regarding claims 1 and 5, Lee discloses a first compartment **12** protectively storing a video screen **14**, a second compartment **10** protectively storing a video player **34**, with the first and second compartments connectable by means of hook and loop fasteners **21 & 23** to form a single storage unit (see Figures 1 and 2). First compartment **12** and second compartment **10** are separable (see Col. 3, lines 41-42 and Figure 7) and the individual components are operable upon separation. Lee

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discloses the components connected by wires (see Figure 4). Lee is capable of functioning as claimed and is capable of "always" storing the components as claimed.

As to claim 6, video player **34** is a video cassette player.

As to claim 8, video player **34** is secured in second compartment **10** by means of hook and loop fasteners **27 & 29** (see Figure 3).

As to claim 9, Lee discloses connection wires and openings in the compartments for routing the wires (see Figure 4).

As to claims 10 and 11, Lee discloses power adapter **50** for connection to a power outlet of an automobile.

As to claim 13, Lee discloses operation in a partially connected state (see Figures 1 and 2). It is noted that a portion of fastener **21** is unattached (in Figure 2); therefore the connecting means is considered neither fully closed nor fully open.

Claim Rejections - 35 USC § 103

8. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lee (US 6,283,299).

As the applicant does not challenge the Official Notice taken in the previous Office Action, the equivalence of a DVD player and a video cassette player for their use in their deliverance of a video image to a video screen is considered admitted prior art.

Lee discloses the claimed invention except for the DVD player. It would have been obvious to one having ordinary skill in the art at the time the invention was made to substitute a DVD player for the video cassette player in the system of Lee since the

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selection of a known equivalent to play recorded videos would have been within the level of ordinary skill in the art. The provision of the DVD player would enable the use of more modern video releases.

9. Claims 1, 2, 5, 7, and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sauer et al (US 5,938,096) in view of Richardson et al (US 6,028,764; provided by applicant) and Gray (US 2,536,169).

Regarding claim 1, Sauer et al discloses a first compartment **30** protectively storing a video screen and a second compartment **20** protectively storing a video player. Sauer et al uses a zipper fastener to join the two compartments. Sauer meets all limitations claimed by the applicant except for separable compartments.

Richardson discloses that it was known in the art to have a computer system **12** with a separable screen **14** to locate the screen in a more convenient location (see Abstract).

Gray discloses a case with separable portions **10 & 11** joined by a zipper fastener **13** (see Col. 2, lines 31-34). It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the apparatus of Sauer et al with a separable zipper fastener as taught by Gray in order to locate the screen of a separable computer system at a different location from the remainder of the computer as suggested by Richardson et al.

As to claim 2, Sauer et al discloses a video screen secured by a zipper **62**.

Regarding claims 5 and 7, as the applicant does not challenge the Official Notice taken in the previous Office Action, the provision of a CD/DVD drive within a laptop computer system is considered admitted prior art.

Sauer-Richardson-Gray, as applied to claim 1, discloses the claimed invention except for the express disclosure of a video player. The provision of a CD/DVD drive within a laptop computer system was common and conventional at the time the invention was made and the provision of such a drive in the computer system of Richardson et al would have been obvious to one of ordinary skill in the art in order for a salesman to present sales video images to potential customers (see for example, Richardson et al; Col. 1, lines 23-31). As such, the base computer (Richardson 12) is deemed a video player and the system of Sauer-Richardson-Gray discloses the claimed invention.

As to claim 8, video player (Richardson 12) would have been secured into second compartment (Sauer et al 20) by means of a zipper (Sauer et al 72).

10. Claims 3, 4, and 12 rejected under 35 U.S.C. 103(a) as being unpatentable over Sauer-Richardson-Gray as applied to claims 1 and 5 above, and further in view of Meritt (US 6,216,927 B1; provided by applicant).

Sauer-Richardson-Gray discloses the claimed invention except for the means for mounting the video screen.

Meritt discloses a means 25 (see Figure 3) with snap 26 for mounting the video screen to the headrest of a vehicle. It would have been obvious to one of ordinary skill

in the art at the time the invention was made to provide the system of Sauer-Richardson-Gray with a mounting means as taught by Meritt in order to present video to passengers in an automobile.

Response to Arguments

11. Applicant's arguments filed 25 July 2005 have been fully considered but they are not persuasive.

12. In response to the applicant's arguments concerning Lee, while Lee does enable the storage of the screen within a side compartment, this does not detract from the fact that Lee is also capable of "always" storing the components in the configuration of Figures 1 and 2, which is a single, monolithic storage unit. It is merely a matter of the intended use of the Lee apparatus, which Lee is fully capable of performing. The addition of the terminology of "protectively storing" the individual components does not distinguish over Lee since the compartments of Lee do, in fact, protectively store the items. A single layer of material surrounding a device adds a layer of protection and therefore "protectively stores" the item. Also, the applicant uses the claim terminology, "separable" and "can be completely separated". While Lee does not expressly disclose use while separated, the claim language only requires the ability to separate. Since the two compartments of Lee are only attached by means of hook and loop fasteners, they are fully capable of separation while in use, even when connected by wires as shown in Figure 4, and therefore meet the functional requirements of the claim.

13. In response to the applicant's arguments concerning the Sauer-Richardson-Gray combination, the examiner respectfully disagrees with the applicant's findings on Sauer. It is quite clear in Figure 2 that the first compartment **30** is closed by means of shield **60** and the second compartment **20** closed by means of shield **70**, thus forming individual compartments. These shields are closed by means of zipper structures. It is respectfully maintained that this independent shielding would have been maintained upon separation as taught by Richardson et al since they were designed to shield during use.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregory Pickett whose telephone number is 571-272-4560. The examiner can normally be reached on Mon-Fri, 11:30 AM - 8:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mickey Yu can be reached on 571-272-4562. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

GP
Greg Pickett
Examiner
1 February 2006


Mickey Yu
Supervisory Patent Examiner
Group 3700